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Docket No. SUN-DA-1141  
Serial No. 10/743,113Remarks

Claims 1-3 are pending in the subject application. By this Amendment, claims 1 and 3 have been amended. Claims 1 and 3 have been amended to clarify the structure of the capacitor. Specifically, the capacitor, specified in claims 1 and 3, is a vertically arranged bottom electrode, dielectric layer, and upper electrode. Support for this amendment can be found, at least, at Figure 4. In addition, claim 3 has been amended to more particularly mirror the language of claim 1. No new matter has been introduced by these amendments. Upon entry of these amendments, claims 1-3 will be before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicant expresses his gratitude to the Examiner for providing comments on page 6 of the Office Action under the heading "Response to Argument."

Claims 1-3 are rejected under 35 USC §103(a) as being unpatentable over Lehmann *et al.* (U.S. 2004/0217441) in view of Lee (U.S. 5,208,177), and, in an alternative rejection, in view of Lee and Ghandi *et al.* (U.S. 6,448,631). Applicant respectfully traverses.

The Office Action at page 2 states that Lehmann *et al.* teaches "a capacitor having a bottom electrode (source/drain regions 143, 146, 143a, 146a) ([0106]), a dielectric layer 124, 124a, 124b (anti-fuse layer is a dielectric: see [0004], [0080]; cf. [0106]) and an upper electrode 125, 125a, 125b ([0080] and [0106]) formed on a semiconductor substrate 101 ([0054])."

However, the source/drain regions 143 and 146, dielectric layer 124, and gate electrode 125 of Lehmann *et al.* are not vertically arranged as specified in amended claims 1 and 3. While it is true that a field effect transistor has internal capacitances (such as C<sub>gs</sub>, C<sub>gd</sub>, C<sub>gb</sub>, C<sub>sb</sub>, and C<sub>db</sub>), claims 1 and 3, with specific limitations describing the capacitor, do not read on a field effect transistor.

Therefore, Lehmann *et al.* fails to teach a capacitor as specified in subject claims 1 and 3. Lee and Ghandi *et al.* do not cure this defect. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-3.

In view of the foregoing, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

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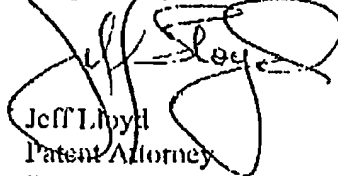
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The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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